

**UNITED STATES DISTRICT COURT**

**EASTERN DISTRICT OF CALIFORNIA**

ALLEN HAMMLER,

Plaintiff,

v.

ALLISON, et al.,

Defendants.

Case No. 1:21-cv-00122-AWI-GSA (PC)

**ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS, DENYING  
PLAINTIFF'S APPLICATION TO PROCEED  
IN FORMA PAUPERIS, AND DISMISSING  
THE CASE WITHOUT PREJUDICE**

(Doc. Nos. 2, 5)

Plaintiff Allen Hammler is a state prisoner proceeding pro se with this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed his complaint on January 29, 2021. Doc. No. 1. The matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Eastern District of California Local Rule 302.

On February 2, 2021, the magistrate judge entered findings and recommendations, recommending that Plaintiff's application to proceed in forma pauperis be denied under 28 U.S.C. § 1915(g) and that this case be dismissed without prejudice to Plaintiff's refiling the case with submission of the \$402.00 filing fee. Doc. No. 5. On February 11, 2021, Plaintiff filed objections to the findings and recommendations. Doc. No. 6.

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C) and Eastern District of California Local Rule 304, the Court has conducted a de novo review of this case. Having carefully reviewed the entire file, including Plaintiff's objections, the Court concludes that the findings and recommendations are supported by the record and proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations (Doc. No. 5) entered on February 2, 2021, are ADOPTED in full;

2. Plaintiff's application to proceed in forma pauperis (Doc. No. 2) is denied;
3. This case is dismissed without prejudice to Plaintiff's refiling the case with submission of the \$402.00 filing fee; and
4. The Clerk of Court is directed to close this case.

IT IS SO ORDERED.

Dated: March 8, 2021

  
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SENIOR DISTRICT JUDGE